## 1

#### Stop it – you lose.

King and Wilderson ‘20

[Tiffany Lethabo King, AAS and WGS @ GSU, and Frank Wilderson III, Ethnic Studies @ UC Irvine. 2020. “Staying Ready for Black Study: A Conversation,” published in “Otherwise Worlds: Against Settler Colonialism and Anti-Blackness.”] pat – ask me for the PDF

[TK]

Toward another direction, I have been in conversations with others and myself about how white and non-Black folks are taking up Afropessimism. Some of my anxiety is emerging when and where I see non-Black folks working under the guise of, “I’m doing the political work and exposing anti-Black racism,” but they are primarily doing their antiracist political work through theorizing Black death and flesh. I often see these folks thinking of, or theorizing, Black death and flesh at the level of metaphor and aestheticizing it in order to make it more malleable. This then becomes “the work.” I find myself recoiling from that kind of work. Do you have any thoughts about what white and non- Black folks are doing with Black death and Afro-pessimistic work?

FW

I hear exactly what you’re saying, and I grieve over it. Sometimes, I try not to know to get my own work done. As a general rule, it is difficult for Black people to make anything and to hold onto it for more than thirty seconds before the world takes it for its own purposes. Afro-pessimism is going the way of jazz, where it will be for everyone else. Or hip-hop. Patrice Douglass asked me, how do we keep Afropessimism for Blacks? And I said, it’s like our bodies, we can’t. What it becomes is something to animate someone else’s projects, and then we’ll be dispossessed of Being. That doesn’t mean I’m not writing, but I don’t know what to do about it. It’s akin to lynching as David Marriott describes. The lynched body becomes something through which community can build because it is the not quite human thing to which Humans can ultimately compare themselves.

#### Double-Bind– either afropessimism is true which means your very existence is parasitic on black death proving the double-turn OR afropessimism is false, you knew it was false, and still decided to commodify black suffering for the ballot which is externally messed up.

## 2

#### The meta-ethic is procedural moral realism.

#### This entails that moral facts stem from procedures while substantive realism holds that moral truths exist independently of that in the empirical world. Prefer procedural realism –

#### [1] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents. Outweighs on accessibility since everyone has access to it.

#### [2] Naturalistic fallacy – experience only tells us what is since we can only perceive what is, not what ought to be, this means experience may be generally useful but should not be the basis for ethical action.

#### Practical Reason is that procedure. To ask for why we should be reasoners concedes its authority since it uses reason – anything else is nonbinding and arbitrary. That hijacks their framework since you need reason to evaluate any relevant consequences.

#### Moral law must be universal—our judgements can’t only apply to ourselves any more than 2+2=4 can be true only for me – any non-universalizable norm justifies someone’s ability to impede on your ends. Reject Extinction outweighs- aggregation is nonsensical since a] it impedes on one persons ends for another and b] assumes everyone values the same thing.

#### Thus, the standard is consistency with the categorical imperative. Prefer:

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#### 1] Enterprise – we are composed of different practical identities, but reason unifies them and allows us to shift and act upon different enterprises. Consequentialist frameworks cannot produce unified moral actions.

#### 2] The state does not have the authority to act to preempt future rights violations, because consequences of action are contingent and cannot be derived from the structure of the maxim on which one acts. Thus, the state does not have the jurisdiction to take them into account.

#### 3] The existence of extrinsic goodness requires unconditional human worth—that means we must treat others as ends in themselves.

Korsgaard ’83 (Christine M., “Two Distinctions in Goodness,” The Philosophical Review Vol. 92, No. 2 (Apr., 1983), pp. 169-195, JSTOR) OS

The argument shows how Kant's idea of justification works. It can be read as a kind of regress upon the conditions, starting from an important assumption. The assumption is that when a rational being makes a choice or undertakes an action, he or she supposes the object to be good, and its pursuit to be justified. At least, if there is a categorical imperative there must be objectively good ends, for then there are necessary actions and so necessary ends (G 45-46/427-428 and Doctrine of Virtue 43-44/384-385). In order for there to be any objectively good ends, however, there must be something that is unconditionally good and so can serve as a sufficient condition of their goodness. Kant considers what this might be: it cannot be an object of inclination, for those have only a conditional worth, "for if the inclinations and the needs founded on them did not exist, their object would be without worth" (G 46/428). It cannot be the inclinations themselves because a rational being would rather be free from them. Nor can it be external things, which serve only as means. So, Kant asserts, the unconditionally valuable thing must be "humanity" or "rational nature," which he defines as "the power set to an end" (G 56/437 and DV 51/392). Kant explains that regarding your existence as a rational being as an end in itself is a "subjective principle of human action." By this I understand him to mean that we must regard ourselves as capable of conferring value upon the objects of our choice, the ends that we set, because we must regard our ends as good. But since "every other rational being thinks of his existence by the same rational ground which holds also for myself' (G 47/429), we must regard others as capable of conferring value by reason of their rational choices and so also as ends in themselves. Treating another as an end in itself thus involves making that person's ends as far as possible your own (G 49/430). The ends that are chosen by any rational being, possessed of the humanity or rational nature that is fully realized in a good will, take on the status of objective goods. They are not intrinsically valuable, but they are objectively valuable in the sense that every rational being has a reason to promote or realize them. For this reason it is our duty to promote the happiness of others-the ends that they choose-and, in general, to make the highest good our end.

### Offense

#### 1] Being non-topical is non-universalizable since if nobody defended the topic than a topic wouldn’t have even been created in the first place which is a contradiction in conception.

#### 2] IP rights are necessary for subject formation – creators are isolated and properly conceived under IP which is a sequencing question to understanding the function of agency.

Kanning 12 [Michael A. Kanning (Graduate School at University of South Florida). “A Philosophical Analysis of Intellectual Property: In Defense of Instrumentalism”. A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts Department of Philosophy College of Arts and Sciences University of South Florida. January 2012. Accessed 8/22/21. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5290&context=etd> //Xu]

As noted previously in my discussion of the utilitarian justification, determining precisely how to maximize something like innovation or creative expression through the use of intellectual property is a difficult and complicated task. I have argued that this difficulty was not sufficient grounds to reject the utilitarian or instrumentalist accounts as a foundation. Much to the contrary, for the instrumentalist, this empirical task is the most important project in the analysis and development of intellectual property policies. One way to proceed in this analysis would be to engage in a kind of armchair economics, speculating about what motivates people to create, and then speculating about how institutions and rewards can be arranged to help encourage creative efforts. But this method is decidedly unempirical. Nonetheless, something like this is what is usually offered as a utilitarian justification - that intellectual property rights reward people who engage in costly and risky creative efforts. Without such a system of reward, we would not have as much creativity and innovation in the world. This is taken as an axiomatic truth. I do not intend to argue that this is false, only that is needs to be proven. The instrumentalist is committed to an empiricism that necessitates a more scientific and well-documented analysis about what best facilitates creative and innovative processes. This task cannot be taken up here. In fact, as Merges noted, there is much work already done in this area, but the verdict is still out. What can be done here is a brief conceptual analysis of the things that make up the creative process, broadly conceived. Most prominent in the rhetoric of intellectual property law is the concept of creator who serves as the ultimate or efficient cause of some new thing. As an illustration of this, recall that most of the classical justifications covered in Chapter 1 centered around a solitary creator, conceived of as a laborer (in Lockean theory), or as an self-contained individual or personality (in the Kantian and Hegelian theories). Creators, whether inventors, authors, artists or innovators, are isolated and identified, granted ownership rights and rewarded. If we are to have an ideally-functioning set of intellectual property laws that best achieve their established ends, it is important that creators are properly conceived of. A clear notion of the creative entity will allow us to ensure that whatever incentives or pecuniary rewards are distributed are done so in a way that best achieves the goals of the intellectual property system.

#### 3] IPRs are key to recognize the original creator’s role in ownership.

Zeidman and Gupta 16 [Bob Zeidman (one of the leading experts on intellectual property, particularly as it relates to software. He is the president and founder of Zeidman Consulting, a premier contract research and development firm in Silicon Valley that focuses on engineering consulting to law firms about intellectual property disputes) & Eashan Gupta (Investment Banking Analyst at William Blair). “Why Libertarians Should Support a Strong Patent System”. IP Watchdog. January 5, 2016. Accessed 9/3/21. <https://www.ipwatchdog.com/2016/01/05/why-libertarians-should-support-a-strong-patent-system/id=64438/> //Xu]

The issue intellectual property has divided libertarians as to whether there can really be ownership in the result of result of human creativity, and continues to do so today. Some libertarians believe that inventors deserve a claim to their hard work, while others argue that patents are government-enforced monopolies and that the current United States patent system needs to be reformed. What the patent and copyright laws acknowledge is the paramount role of mental effort in the production of material values. These laws protect the mind’s contribution in its purest form: the origination of an idea. The subject of patents and copyrights is intellectual property. Ayn Rand strongly supported patents. In her book “Capitalism: The Unknown Ideal,” she states: An idea as such cannot be protected until it has been given a material form. An invention has to be embodied in a physical model before it can be patented; a story has to be written or printed. But what the patent or copyright protects is not the physical object as such, but the idea which it embodies. By forbidding an unauthorized reproduction of the object, the law declares, in effect, that the physical labor of copying is not the source of the object’s value, that that value is created by the originator of the idea and may not be used without his consent; thus the law establishes the property right of a mind to that which it has brought into existence.

## 3

#### Role of the ballot is to determine whether the resolution is a true or false statement – anything else moots 7 minutes of the nc and exacerbates the fact that they speak first and last since I should be able to compensate by choosing – it’s the most logical since you don’t say vote for the player who shoots the most 3 points, the better player wins.

#### Reject their framing on inclusion – a) other ROBs open the door for personal lives of debaters to factor into decisions and compare who is more oppressed which causes violence in a space where some people go to escape. b) Anything can function under truth testing insofar as it proves the resolution either true or false. Specific role of the ballots exclude all offense besides those that follow from their framework which shuts out people without the technical skill or resources to prep for it.

#### The ballot asks you to either vote aff or neg based on the given resolution a) Five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means its intrinsic to the nature of the activity b) the purpose of debate is the acquisition of knowledge in pursuit of truth – a resolutional focus is key to depth of exploration which o/w on specificity. It’s a jurisdictional issue since it questions whether the judge should go outside the scope of the game. I denied the truth of the resolution because I don’t think it’s true which means I’ve met my burden.

## 4

#### Interpretation: The aff must explicitly specify a comprehensive role of the ballot in the form of a text in the 1AC where they clarify how offense links back to the role of the ballot, such as whether post-fiat offense or pre-fiat offense matters and what constitutes that offense with implications on how to weigh

#### Violation: they don’t – I will spec here only post fiat offense links that support truth or falsity of the res

#### Standards:

#### 1. Engagement – Knowing what counts as offense is a prerequisite to making arguments, so its impossible to engage the aff. Our interp ensures that I read something relevant to your method, and knowing how to weigh gives us a standard. Especially true since there is no norm on what “performative engagement” like there is for util offense

#### Few impacts:

#### a) Education – When two ships pass in the night we don’t learn anything - This also guts novice inclusion because now they can never learn arguments in round.

#### b) Turns the aff – Your impacts are premised on engaging with issues of oppression, but no one will take seriously a position that can’t be clashed with

#### c) Strategy Skew – You can recontextualize your ROTB to make up reasons why my offense doesn’t link in the 1AR

#### Framing: You can’t use your ROB to exclude my shell. My shell simply constrains how you read your ROTB. My method is your ROTB with specification, so if I’m winning comparative offense, the shell outweighs even if method debates in general preclude theory. If they go for the Aff first that proves the abuse of my shell since they should have specified in the AC.

#### No impact turns:

#### 1] T is just an argument for why the aff is a bad idea, which is what every single

#### negative position says—there’s nothing unique about T that causes violence but

#### the cap k or case turns don’t

#### 2] we’re not imposing a norm or forcing you to do anything—our norm is open

#### to contestation because you can just win that a counter-interpretation is a

#### better norm

#### Fairness is an impact – [1] it’s an intrinsic good – some level of competitive

#### equity is necessary to sustain the activity – if it didn’t exist, then there wouldn’t

#### be value to the game since judges could literally vote whatever way they

#### wanted regardless of the competing arguments made

#### [2] probability – your

#### ballot can’t solve their impacts but it can solve mine – debate can’t alter

#### subjectivity, but can rectify skews

#### [3] internal link turns every impact – a limited

#### topic promotes in-depth research and engagement which is necessary to access

#### all of their education

#### [4] comes before substance – deciding any other

#### argument in this debate cannot be disentangled from our inability to prepare

#### for it – any argument you think they’re winning is a link, not a reason to vote

#### for them, since it’s just as likely that they’re winning it because we weren’t able

#### to effectively prepare to defeat it.

## Case

1. <http://dictionary.reference.com/browse/negate>, <http://www.merriam-webster.com/dictionary/negate>, <http://www.thefreedictionary.com/negate>, <http://www.vocabulary.com/dictionary/negate>, <http://www.oxforddictionaries.com/definition/english/negate> [↑](#footnote-ref-1)
2. *Dictionary.com – maintain as true, Merriam Webster – to say that something is true, Vocabulary.com – to affirm something is to confirm that it is true, Oxford dictionaries – accept the validity of, Thefreedictionary – assert to be true* [↑](#footnote-ref-2)